

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

931P0097

## HOUSE COMMERCE ENGROSSED NO. **HB 1136** - 2/11/2008

Introduced by: Representatives Lust, Boomgarden, Cutler, Dreyer, Engels, Feinstein, Haverly, Heineman, Kirkeby, McLaughlin, Olson (Betty), Peters, Rausch, Vehle, and Weems and Senators Gray, Abdallah, Albers, Knudson, Maher, McCracken, Napoli, Olson (Ed), Schmidt (Dennis), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of  
2 business names.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-11-1 be amended to read as follows:

5 37-11-1. ~~It is a Class 2 misdemeanor for any person to engage in or conduct a business for~~  
6 ~~profit in this state under any name which does not plainly show the true surname of each person~~  
7 ~~interested in such business unless a statement is filed first.~~ Any person engaging in or  
8 conducting a business for profit in this state shall file a fictitious name statement unless one of  
9 the following apply:

10 (1) The name of the business plainly shows the true surname of each person interested  
11 in the business; or

12 (2) The name of the business is on file with the secretary of state in a required business  
13 filing.



1        Failure to file a required fictitious name statement is a Class 2 misdemeanor. The fictitious  
2        name statement shall be verified by each person interested in the business, showing include the  
3        name, post office address, and residence address of each person interested in the business and  
4        the address where the main office of the business is to be maintained. The fictitious name  
5        statement shall be electronically filed with the secretary of state, or filed in paper form with ~~the~~  
6        ~~office of the~~ any register of deeds in ~~each county where the business is maintained, and the state.~~  
7        The filing shall be renewed every fifth year thereafter. A fee of ten dollars shall be paid with  
8        each new filing and renewal. The fee shall be retained by the filing office receiving the filing.